

SECOND REGULAR SESSION

# SENATE BILL NO. 488

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WRIGHT-JONES.

Pre-filed December 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4403S.011

## AN ACT

To amend chapter 8, RSMo, by adding thereto one new section relating to environmentally sustainable construction for state-funded buildings.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 8, RSMo, is amended by adding thereto one new section, to be known as section 8.860, to read as follows:

**8.860. 1. As used in this section, the following words mean:**

(1) "ASHRAE" or "American Society of Heating, Refrigerating, and Air Conditioning Engineers", an international technical society for all individuals and organizations interested in heating, ventilation, air conditioning, and refrigeration;

(2) "Building project", the design, construction, renovation, operation, and maintenance of any inhabited physical structure and its associated project building site;

(3) "Commercial interior fit-out", interior design and installation by owners or tenants of new or existing office space, typically exclusive of structural components and core and shell elements;

(4) "GBI", Green Building Initiative;

(5) "Globes", the level of a building's sustainability and energy efficiency performance as determined by GBI's Green Globes Rating System;

(6) "Green Globes Rating System", the most current environmental building rating system established by the Green Building Initiative;

(7) "High-performance building", a building designed to achieve integrated systems design, construction, and operation so as to significantly reduce or eliminate the negative impact of the built

22 environment and optimize positive attributes;

23 (8) "Major facility project" or "major facility projects":

24 (a) A state-funded:

25 a. New construction building project in which the building's  
26 gross square footage is greater than five thousand;

27 b. Renovation project involving more than fifty percent of the  
28 square footage or occupancy displacement; or

29 c. Commercial interior fit-out project that is larger than seven  
30 thousand square feet of leasable area;

31 (b) Shall not include:

32 a. A building, regardless of size, that does not have conditioned  
33 space as defined by ASHRAE standard 90.1;

34 b. A correctional facility constructed for the department of  
35 corrections or the department of mental health;

36 (9) "Renovation project", a building project involving the  
37 modification or adaptive reuse of an existing facility;

38 (10) "Third-party commissioning agent", a person accredited by  
39 the GBI with expertise in building system performance who analyzes,  
40 evaluates, and confirms proper function and performance of a high-  
41 performance building, its systems, equipment, and indoor air quality  
42 and who did not participate in the original certification of the major  
43 facility project or renovation project.

44 2. All major facility projects in Missouri under subparagraph a.  
45 of paragraph (a) of subdivision (8) of subsection 1 of this section shall  
46 be designed, constructed, and at least certified as receiving two Globes  
47 using the Green Globes Rating System. All major facility projects in  
48 Missouri as defined under subparagraphs b. and c. of paragraph (a) of  
49 subdivision (8) of subsection 1 of this section shall be analyzed using:

50 (1) A life cycle cost analysis comparing the cost and benefits of  
51 designing, constructing, maintaining, and operating the facility at the  
52 two Globes standard, or better, with certification;

53 (2) Normal industry and regulatory standards, as applicable; or

54 (3) Some standard between subdivisions (1) and (2) of this  
55 subsection that causes the project to be designed, constructed, and  
56 operated in a manner that achieves the lowest thirty-year life cycle  
57 cost.

58 3. In obtaining certification as receiving two Globes using the

59 Green Globes Rating System, a major facility project shall earn at least  
60 twenty percent of the available points for energy performance under  
61 C.1.1 energy consumption. The office of administration may waive the  
62 requirements of this subsection for a proposed major facility project if  
63 it determines that the cost of meeting the requirements under this  
64 subsection are not economically feasible.

65 4. The office of administration may petition the general assembly  
66 to require all major facility projects be certified to a high-performance  
67 building rating system standard in addition to or in lieu of the system  
68 provided in this section. However, any alternate rating system adopted  
69 by the general assembly shall be no less stringent than the system  
70 provided in this section.

71 5. All major facility projects that were certified at the two Globes  
72 standard or higher shall be inspected by a third-party commissioning  
73 agent, at a minimum, in the fifth, tenth, and fifteenth year following  
74 certification. The third-party commissioning agent shall determine  
75 whether the building is operating at the standard to which it was  
76 originally designed and certified. The third-party commissioning agent  
77 shall report its findings to the office of administration and the  
78 respective state department or departments occupying the facility. The  
79 report shall include but not be limited to the facility's savings on  
80 energy and water, the level of its indoor air quality, the existing  
81 system's function and performance, problems with the system, and  
82 whether the system's performance meets the facility's requirements. If  
83 the office of administration determines the building is not operating  
84 within the spirit of this section, the office of administration may take  
85 appropriate measures to bring the building into compliance.

86 6. The office of administration shall develop and implement a  
87 process to monitor and evaluate the energy and environmental benefits  
88 associated with each major facility project designed, constructed, and  
89 renovated under this section. The monitoring and evaluation of each  
90 major facility project shall commence one year after occupancy or use  
91 and shall continue for fifteen years thereafter. All data concerning  
92 energy, operational, and environmental benefits collected under this  
93 section shall be made available to the office of administration to be  
94 compiled and submitted to the general assembly under subsection 7 of  
95 this section.

96           7. The office of administration shall submit a report regarding  
97 major facility projects to the house committee on energy and  
98 environment and the senate committee on energy and environment that  
99 includes:

100           (1) The number and types of buildings designed and constructed;

101           (2) The level of certification of each building designed,  
102 constructed, or renovated;

103           (3) Actual savings in energy costs;

104           (4) A description of all potential environmental benefits,  
105 including but not limited to, water savings and the reduction of waste  
106 generation;

107           (5) The ability of building to continue to operate at the standard  
108 to which it was originally certified;

109           (6) In the event of a waiver by the office of administration to not  
110 pursue certification, reasons for the waiver;

111           (7) Any conflicts or barriers that hinder the effectiveness of this  
112 section.

113           8. The office of administration shall promulgate rules to  
114 implement the provisions of this section. Any rule or portion of a rule,  
115 as that term is defined in section 536.010, that is created under the  
116 authority delegated in this section shall become effective only if it  
117 complies with and is subject to all of the provisions of chapter 536 and,  
118 if applicable, section 536.028. This section and chapter 536 are  
119 nonseverable and if any of the powers vested with the general assembly  
120 pursuant to chapter 536 to review, to delay the effective date, or to  
121 disapprove and annul a rule are subsequently held unconstitutional,  
122 then the grant of rulemaking authority and any rule proposed or  
123 adopted after August 28, 2012, shall be invalid and void.

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